UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,879	10/19/2001	Michael S. Bender	0007056-0102/P4445	1232

32291 7590 06/30/2005		EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP		ZIA, SYED	
710 LAKEWAY DRIVE			
SUITE 200	ART UNIT	PAPER NUMBER
SUNNYVALE, CA 94085	2131	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/044,879	BENDER ET AL.
	Examiner	Art Unit
	Syed Zia	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>*19 October 2001*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-16*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-16*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*19 October 2001*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action is in response to application filed on October 19, 2001. Original

application contained Claims 1-16. Therefore, Claims 1-16 are pending for further consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for ,
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Vanstone et al.

(U. S. Patent 6,446,207).

1. Regarding Claim 1 Vanstone teach and describe a method for using a token to sign an

unsigned binary (Fig.1, col.1 line 1 to line 5, and col.2 line 24 to line 41) comprising:

signing an unsigned binary on a first computing device to obtain a first signature (col.3

line 8 to line 48);

downloading said first signature and said unsigned binary to a second computing device

(col.3 line 49 to line 56);

using a token coupled to said second computing device to sign said unsigned binary to

obtain a second signature (col.3 line 59 to col.4line 19); and comparing said first and second

signatures (col.4line 20 to line 30).

2.   Regarding Claim 9 Vanstone teach and describe a computer program product comprising:

a computer usable medium having computer readable program code embodied therein

configured to use a token to sign an unsigned binary signature said computer program product

(Fig.1, col.1 line 1 to line 5, and col.2 line 24 to line 41) comprising:

computer readable code configured to cause a computer to sign an unsigned binary on a

first computing device to obtain a first signature (col.3 line 8 to line 48);

computer readable code configured to cause a computer to download said first signature

and said unsigned binary to a second computing device (col.3 line 49 to line 56);

computer readable code configured to cause a computer to use a token coupled to

said second computing device to sign said unsigned binary to obtain a second signature (col.3

line 59 to col.4line 19); and

computer readable code configured to cause a computer to compare said first and second

signatures (col.4line 20 to line 30).

3.   Claims 2-7, and 10-15 are rejected applied as above rejecting Claims 1, and 9

Furthermore, Vanstone teach and describe a system a method wherein:

As per Claim 2, and 10 using said unsigned binary on said second computing device, if

said first and second signatures match (col.6line 56 to line 62).

As per Claim 3, and 11 rejecting said unsigned binary on said second computing device,

if said first and second signatures do not match (col.4 line 14 to line 19).

As per Claim 4, and 12 said token is a smart card (col.2line 2 to line 67).

As per Claim 5, and 13 said first computing device is a server (col.6 line 56 to line 62,and

col.5 line 1 to line 5).

As per Claim 6,and 14 said steps of signing and using use identical hashes (col.3 line 30

to line 56).

As per Claim 7,and 15 encrypting said unsigned binary and said first signature (col.3line

1 to line 13,and col.3line 65 to col.4 line 12).

4.   Claims 8, and 16 are rejected applied as above rejecting Claims 7, and 14 Furthermore,

Vanstone teach and describe a system a method wherein:

As per Claim 8, and 16 further comprising: decrypting said encrypted unsigned binary

and first signature (col.1line 30 to line 40, and col. 3 line 65 to col.4 line 12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sz
June 16, 2005